

REMARKS/ARGUMENTS

Claims 1, 3-10 and 14-42 are pending in the application. Claims 3-4, 6-9, 14-20, 28, 30 and 35-36 have been amended to more clearly recite the invention and/or to further distinguish it from the prior art. The claim amendments are all completely supported by the application as filed and thus they raise no issue of new matter. Claim 1 has been canceled, without prejudice or disclaimer, pursuant to the amendment made to claim 3.

Entry of this Amendment after Final Rejection is respectfully requested as it is believed to place the entire application in condition for allowance or, at a minimum, to substantially reduce the issues for an appeal. Upon such entry, claims 3-10 and 14-42 will be pending in the application.

CLAIM OBJECTIONS

Claim 36 is objected to due to the presence of a comma between the words “fibers” and “together”. In response, the claim has been amended to delete the comma. This change is believed to overcome the objection, which should thus be withdrawn.

Claims 4, 8, 9, 28, 30, 35 and 36 are objected to as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim for the reasons set forth in ¶3 on pps. 2-3 of the Office Action. In response, claims 4, 8, 9, 28, 30, 35 and 36 have been amended in a manner which is believed to overcome the claim objections. The Examiner is, therefore, respectfully requested to reconsider and withdraw her objections in light of these amendments to the claims.

CLAIM REJECTIONS UNDER 35 U.S.C §112

Claims 1, 3-10 and 14-42 are rejected under 35 U.S.C. §112, Second Paragraph. As indicated in ¶7 on p. 3 of the Office Action, the rejection is essentially directed to the manner in which the invention is described in claim 1, from which claims 3-10 and 14-42 depend (directly or indirectly).

In response, applicants note that claim 1 has now been canceled without prejudice or disclaimer. Moreover, claim 3 has been amended, for reasons discussed below in more detail, to recite the features originally recited in claim 1. However, the language relating to such features as now set forth in claim 3 is not the same as that which was originally used in claim 1. Claim 3

is thus believed to have been amended in a manner which overcomes the Examiner's §112, ¶2 rejection of claim 1. Moreover, this amendment to the language of claim 3 is also believed to overcome the rejection of the dependent claims, i.e, nos. 3-10 and 14-42 as well.

The Examiner is, therefore, respectfully requested to reconsider and withdraw the §112 rejection of claims 1, 3-10 and 14-42.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1, 4-7, 14, 16-18, 20-28, 34 and 35 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,420,544 to Lawson et al. ("Lawson") as evidenced by "Datasheet for Tubular Braids" published online by OmegaFlex, Inc. - Manufacturers of Flexible Metal Hose and Braid Products, for the reasons set forth in ¶9 on pps. 4-5 of the Office Action. The rejection is respectfully traversed.

Regarding the rejected claims, applicants note that claims 1, 4-7, 16-18, 20-27, 34 and 35 are all directed to a tubular composite, whereas claim 28 is directed to a method of making such a tubular composite. For the sake of clarity, these two groups of claims (Group I = claims 1, 4-7, 16-18, 20-27, 34 and 35; and Group II = claim 28) are discussed separately below.

Turning first to the Group I claims to the composite, applicants note that claim 1 has been canceled without prejudice or disclaimer and claim 3 has been rewritten in independent form to include the features of the invention originally recited in claim 1. However, those features (as now present in claim 3) are recited in a manner which is calculated to overcome the rejection of claim 1 under 35 U.S.C. §112, ¶2.

Claim 3 is not rejected under 35 U.S.C. §102 (b), nor is this claim subject to any other prior art-based rejection(s). Since the claim is thus not rejected over the prior art and it is believed to be written in a manner to overcome the §112 rejection, claim 3 is believed to be in condition for allowance. Further to the above, moreover, claims 4-7, 16-18, 20-27, 34 and 35, as amended, now all depend (directly or indirectly) from claim 3 and thus these dependent claims are all believed to be allowable for the same reasons as claim 3.

The Examiner is, therefore, respectfully requested to reconsider and withdraw the rejection under 35 U.S.C. §102(b) to the claims of Group I as identified above.

Turning now to the remaining claim, i.e, method claim 28, applicants note that the subject claim is dependent upon claim 3, which is believed to be allowable. However, in addition, in

order to still further distinguish the method recited therein over the prior art, claim 28 has been amended to delete the language, "and then the ion-conducting material is applied to the outer side of the braid, which is remote from the lumen of the hose", and replaced it with the following: "and then the outer side of the braid, which is remote from the lumen of the hose, is coated with the ion-conducting material by pouring or spraying the ion-conducting material to the outer side of the braid". Support for this amendment is present on p. 21, first paragraph, in the last six lines thereof and thus it does not raise any issue of new matter.

The Lawson reference cited to reject, *inter alia*, claim 28, does not disclose either a method for the continuous production of a tubular composite, or a method wherein an electron-conducting material is braided to form a hose wherein an outer side of the braid is coated with an ion-conducting material by a method involving pouring or spraying, as is specifically recited in applicants' claim 28. For this reason, therefore, claim 1 is believed to be even further distinguishable over Lawson and thus, the Examiner is respectfully requested to reconsider and withdraw the §102 rejection of claim 28 over Lawson et al.

SUMMARY

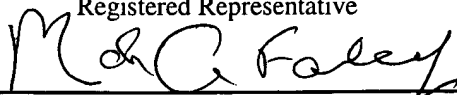
Upon consideration of the amendments and arguments set forth above, the Examiner is respectfully requested to withdraw all of the objections and rejections as set forth in the Office Action and thus to issue a Notice of Allowance regarding all of the claims presently pending in the application.

If the Examiner believes that an interview would advance the progress of this application, she is respectfully requested to contact applicants' representative at the number below to arrange for such an interview.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: June 20, 2006

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Name of applicant, assignee or
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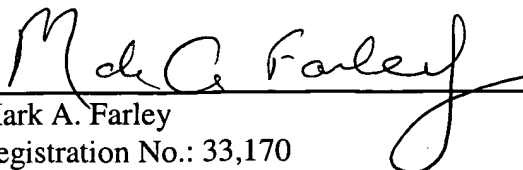


Signature

June 20, 2006

Date of Signature

Respectfully submitted,



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